

1894-659 Chancery Causes: Dinah Miles by te vs France Miles
Lee Co.

Haynes, Bell, Williams, Parsons, Pendleton, Graham, Sprinkle,
Fleenor

CA-Divorce
T-Vices
Property
Migration

To the Honorable H.S.K. Morison, Judge of the Circuit Court
of Lee County Virginia:

Humbly complaining, your Oratrix, Dinah Miles, who sues by H.M. Miles her son and next friend, would respectfully show to your Honor: that heretofore, to wit on the 27th day of Aug. 1887 she was united in marriage, in the County of Lee and State of Virginia, to one France Miles, that from thence down to the present she and her said husband have resided and they still continue to reside in said County: that she has always been to her said husband a faithful loving and dutiful wife striving in every way to make for him and herself and their several children a happy and prosperous home, and she will here show your Honor that there is issue of the marriage between herself and the said France Miles, six children, all of whom are above the age of 21 years except two, one of whom is 17 years old and the other is 14 years old.

Your Oratrix will now further show your Honor that her said husband has repaid her wifely devotion, her kindness and affection by the most flagrant violation and utter disregard of his marital vows, by harsh and unkind treatment, making her life one of continual misery, and at times putting her in fear of her person and almost of her life.

Your Oratrix will now show your Honor that for the last ^{three} year or more her said husband has been living in almost open, certainly in notorious adultery with another woman who lives in less than one mile of the town of Jonesville, that during the last ^{three} years, he has spent more than three fourths of his nights with his said concubine, with all of which your Oratrix has patiently borne, until forbearance has ceased to be a virtue and longer indurance would almost amount to a sin.

Your Oratrix will now further show your Honor that her said husband has not only been guilty of the ^{open} and continued acts of adultery, but he has become very dissipated, and lately has been drunk a great deal of the time, and when drunk he is very quarrelsome, fussy and abusive, he has driven his oldest minor son from home, has attempted to drive his adult daughter from home, and has ordered your Oratrix from home; threatened if she does not go that he will throw her out of the house, in fact he ^{and declared that unless she leaves home he will kill her} has threatened her person with injury, and she is absolutely afraid of her life. Her said husband is now threatening to sell all his property and leave her and her infant children and unmarried daughter upon the cold charities of the world without any way to support or maintain her

✓
-self in her old age, Your Oratrix will further show your Honor that her said husband owns a small farm containing some fifty or seventy five acres situated about one mile from Jonesville adjoining the lands of A C. Williams M.D. Richmond deceased and others, *another piece of land containing about 100 acres adjoining the lands of C. Williams M.D. Richmond deceased and others,* a house and lot in the town of Jonesville where she and her husband now reside, another lot about one mile from Jonesville where his said concubine lives, a small amount of live stock household and kitchen furniture, and other personal estate, all of which is reasonably worth, as she is informed and believes, \$4000.00 and all of which she has assisted in making, she will further show your Honor that for the last ~~four~~ *four* years her said husband has utterly refused to furnish anything for the support and maintenance of his family, and has cast the whole burden thereof on her and her children. Your Oratrix is advised that she is entitled to her reasonable support and maintenance out of the estate of her said husband, and not only for herself but for her two minor children, that she is entitled to a divorce a vinculo matrimonii from her said husband and to the custody of her two infant children. Now the object of this bill is to have the bonds of matrimony heretofore existing between herself and the said France Miles dissolved, to have alimony decreed her sufficient for her needs for support and maintenance and that of her two infant children to have her said husband enjoined from selling or in any way disposing of or incumbering his said estate until proper support and maintenance by way of alimony has been decreed and secured to her, to have him enjoined and restrained from throwing her out of house and home or in anyway interfering with her person or home until the final disposition of this case, and being without adequate remedy at law and properly relievable only in equity, she prays your Honor's Court of Chancery to take cognizance of her cause and grant her the proper relief. to this end she prays that France Miles be made the party defendant to this bill and that he be required to answer its several allegations on oath, that an injunction be granted restraining and inhibiting the said France Miles from selling, incumbering, or in anywise disposing of his property or any of it until the final disposition of this cause, that he be enjoined and inhibited from interfering with the person of your Oratrix, or molesting her in her home, and that upon a final hearing of this cause the bonds of matrimony now and heretofore existing between your Oratrix and the said France Miles be dissolved that she be given the custody

the lands of C. Williams M.D. Richmond deceased and others

of her two infant children free from the restraint or controll of her
said husband, that suitable and sufficient alimony be set aside and
allowed her out of the estate of her said husband and that he be re-
quired to pay her reasonable attorney's fees, and if mistaken in her sp
special prayers herein then she prays for full general relief.

May Spa. issue &c directed &c

Divah Miles by
H. M. Miles, her son & next friend

Dineau & Hyatt
for Complainants

Virginia Lee County Lo wit

This day Divah Miles and H. M. Miles
personally appeared before me a Justice of
the Peace in and for said county
and each made oath that the facts stated in the
forgoing answer are true as they verily believe
him under my hand this the 9th day of Novem-
ber 1893. C. C. Blankenship J. P.

Dinah Miles by &c

v3 { Bill in Chancery.

Fraunce Miles

Filed Novr the 7th 1893

A B Munsey
Clerk

1893 2^d Novr. Rules

Bill filed Spa

Exd and decree

Wisi & child

" 1st Decr Rules

D. Wisi Child

& cause set for

hearing

1894. March Term

Decree final

O B 585-6.

Plffs costs		Defts cost	
C	8.06	C	50
S	4.60	Wit	50
Depo	13.87	Depo	150
A	15.00		
Coc	7.50		
Wit	49.28		
			\$2.80

The answer of France Miles, the defendant, to a bill of complaint filed against him in the Circuit Court of Lee County, Virginia, by Dinah Miles, who sues by H. M. Miles, her son and next friend, complainant.

The respondent reserving to himself the benefit of all just exception to the said bill, for answer thereto, or to so much thereof as he is advised that it is material he should answer, answers and says:

That true it is he and said Dinah Miles were inter-married to each other in Lee County, Virginia, in the year 1857, and that from that time down to the present they have lived together as man and wife in said county and State aforesaid, and that there is issue born to them of said marriage, six children, all of whom are adults, except two - one of which is now in his 19th year, and the other in his 13th year. That the earlier days of your respondent's marital relations with said Dinah was pleasant and peaceable, is true; that she was a faithful, loving and dutiful wife, striving to make home happy and prosperous in those days, is also true; but that such has been the tenor of her conduct in the latter years of their marital relations, he emphatically denies; for in these latter years her conduct has been such as to make home unhappy and a station-house of discord and contention between your respondent and his children, rather than one of happiness - she always taking sides with said children when your respondent was attempting to correct them for misconduct and disobedience, thus encouraging them in their acts instead of aiding your respondent in correcting them - So too she has concealed from your respondent such acts of said children as needed corrections, and thus shielded them in divers way.

Your respondent denies that for the last three years he has been living in adultery with another woman, or that during that time he has spent three-fourths of his nights with a

concubine; but that - he has spent a number of his nights during that time, and even further back than that, - away from his said wife Dinah, and at diverse places, he admits.

Your respondent it is true does not live the life that is becoming a good husband, or a good citizen to live. He does many things that he ought not to do, and he leaves undone many things that he ought to do. He acknowledges that he does sometimes take too much liquor, and by reason thereof becomes intoxicated; but these are acts that said Dinah has known for the last 35 years, even before she married your respondent, and not only has she condoned these acts at the time, but rather sanctioned them, and they are no more frequent now than during all this long 35 years. Said Dinah knew at the time she married your respondent, and has known ever since, that he frequently took sprees. Your respondent avers that he has not only kept in his house, and to the knowledge of said Dinah, kegs and jugs of whiskey, but barrels of it - and not even to this did she give her disapproval. This was in the earlier days of their marital relations when the habits that go with men through life were being formed, and it does seem that if said Dinah was so opposed to your respondent's drinking that she ought not then to have given his acts countenance.

Your respondent admits that when he is under the influence of liquor, and even sometimes when he is not under said influence, he may be austere of temper, petulant of manner, rude of language, wanting of civil attention and accommodation, and even passionate; but he denies that he fills the description of what might be termed "quarrelsome, fussy and abusive".

Your respondent avers that some time over two years ago, when he was least

expecting it, and when he bitterly opposed it, said Dinah, his adult daughter, and his son H. M. Miles, persuaded his oldest minor son to leave his home, and to go west to the State of Texas to labor for himself. This was at the period in said minor son's life when his services were needed by your respondent, and when he should have been in school. This act your respondent bitterly opposed; but not being apprised of said trip by said Dinah, who was secretly aiding him to get ready his clothing &c., or by any one else, until said son was ready to leave, it was then too late to check the trip. Your respondent then notified said son, and his said wife Dinah, that he could not again return to your respondent's roof, or be a member of his household, if he did make said trip. Said son did make said trip. After staying away for more than a year, he returned again to become a member of your respondent's household - idle and dissolute, refusing to obey your respondent's orders, to do any manner of work, and that when directed by your respondent to do so. These acts your respondent in his declining years was not able to support or maintain. Under these circumstances and conditions your respondent admits that he did tell said minor son, now in his 19th year, large, brawny and muscular in development, that he would have to obey your respondent in his orders, and do such work as he directed him to do about the home and premises, or he would have to leave his roof.

True it is that your respondent has endeavored, diverse of times, to get his adult daughter to leave his premises. He has even given her written notice to leave. Said adult daughter is now 33 years of age, has been married once, (and that against your respondent's will), is morose, petulant, and tattling, a stirrer-up of discord, and so conducts herself as to make the household in which she lives unpleasant, if not unbearable, and she has been, in your respondent's home, the principal leaven that has raised the strife

that has ushered on these legal proceedings. Under these circumstances, your respondent felt under no obligation to support and maintain such a daughter, and thought it best for the peace of his home for her to seek other quarters. Thus it was that your respondent ordered said adult daughter away from his home.

But your respondent denies that he has ever ordered said Dinah from home, threatened if she did not go he would throw her out, threatened her with injury, declared that unless she left home he would kill her. Each of these allegations he sternly denies, and avers that they are untrue, uncalled for, and simply vague and barren statements; and your respondent knows no reason why, after 35 years of straight-forward, every-day-similar course of life, that said Dinah should, in the decline and close of her life, at last learn that she is afraid of her life.

Your respondent avers that he has never threatened, or that he has never had any intention, to sell or dispose of his property, and leave said Dinah and her children without support upon the cold charities of the world.

Your respondent cannot forbear to express some surprise at the charge contained in the complainant's bill respecting this wealth. Your respondent avers that he is in fact a poor man, scarcely able to make "tongue and buckle meet" in the strife of life. Your respondent admits that he owns a small tract of land of 75 acres, known as the Sullivan tract, adjoining the land of A. C. Williams et al; but this said tract is not worth at most over \$5 per acre. He also owns a small tract of 23 acres, known as the Pridemore tract, adjoining E. B. Garrett et al, worth \$5 per acre; a three-acre lot bought of Clabe & Swan Hamblen, adjoining said 23-acre tract, worth \$10 per acre; one house and lot on the Town branch, known as the Jo. Garrett property, worth \$150, but said

Last property is subject to a vendor's lien of about \$55; one house and lot in Jonesville, worth about \$1000. Your respondent also owns one cow, one old mare, and one colt, the three worth \$75; household and kitchen furniture worth \$65; and an old worn-out set of blacksmith tools, worth not over \$10. These constitute the whole of your respondent's wealth, which is subject to \$200 of outstanding indebtedness. Under no circumstances is your respondent's property, both real and personal, worth over the sum of \$1800.

Your respondent denies that he has refused to furnish support and maintenance for his family for the last two years, and that he has cast that burden on said Dinah and her children. On the contrary your respondent avers that he has furnished the whole of said support up until last November, when he was almost forced to leave his home through the persecution and cruelties of his children, and that even since that time he has furnished the principal part of said support, and at the same time allowing his said wife Dinah to collect and use the board-bill of a boarder who is paying \$8 per month. This sum of itself would be an ample sum to support her and her two minor sons, even allowing them to revel in idleness and rest in ease on the palsied and fast decaying arm of their aged father.

Your respondent avers that he regrets very much that said Dinah, this late in the declining years of her life, has allowed herself to be over-persuaded by her children to file her suit for divorce; for your respondent fully believes that if said Dinah was left to her own volition she would never have taken the course she has taken in this matter.

Your respondent avers that he is perfectly willing, if it is the desire of said Dinah, that she be released from the existing bonds

of matrimony binding her to your respondent, for he would not, in her old age, have her live in fear of her life, as she alleges in her said bill that she is.

Your respondent is also perfectly willing, and wants his said wife to have a reasonable proportion of his property for her support and maintenance; but he denies that a court of equity, or any other body of justice, ought to wring from his hard worked earnings, hammered out on the anvil, to support ~~for~~ a disobedient and profligate son, now in his 19th year, able bodied and in good health, who left his father and sought the world to labor for himself at that period and age in his life that he should have been aiding his father and his mother to lay up store to subsist upon in their old age.

As to the younger of said minor children, who is now in his 15th year, although he is large and portly in stature, and fully able to make a support for himself, yet your respondent is willing, and avows that he will, so long as he has means and health, support and take care of said younger minor son, if he will only obey your respondent in his reasonable ~~parental~~ commands, and not follow in the footsteps of his older brothers. Your respondent does not think that a court of equity will take from him, now in his old age, his already limited means and set it apart for his children that they may loiter in idleness, when they ought to be making a support not only for themselves, but for their father and mother.

Your respondent again avers that he wants a reasonable proportion of his property set apart for the support and maintenance ^{of said Demah} during her life; but he strenuously resists the claim that any of his property ought to be set apart to support his adult daughter, or his two sons, who are able to support themselves.

After the dissolution of the bonds of matrimony now existing between said Dinah and your respondent, and after said Dinah has had set apart for her support and maintenance a reasonable proportion of his property, then your respondent prays that the injunction now existing in this cause be dissolved, and that your respondent be allowed to spend the balance of his old age in peace, free from the disturbing influences of a quarrelsome and fussy family.

Your respondent denies all fraud, unlawful combination and confederacy; and now having fully answered the complainant's bill, he prays to be hence dismissed with his reasonable costs in this behalf expended, and he will ever pray, &c.

France Miles.

A. M. Guins,
Jr. d.

Virginia: Lee County, to wit:

This day personally appeared before me, H. C. Joslyn, a justice of the peace for the county and State aforesaid France Miles, whose answer is above written, and made oath that the statements contained in said answer, so far as made of his own knowledge, are true; and so far as made from knowledge or information derived from others, he believes to be true.

Given under my hand this 2nd day of Feb., 1894.

Henry C. Joslyn J. P.

11 H 11

Grace Miles
ads. } Answer.

Livah Miles.

Filed in open court March 9th
1894 A.B. Munsey clerk

Dinah Miles by &c.

Plaintiff.

vs.

In Chancery.

France Miles.

Defendant.

This cause came on this day to be heard upon the bill of complaint the injunction heretofore granted, the answer of the defendant and general replication thereto, the deposition of witnesses, and was argued by counsel. On consideration whereof it is adjudged, ordered and decreed that the bonds of matrimony heretofore existing and now subsisting between the said Dinah Miles and said France Miles be and the same are hereby dissolved, and it being admitted in open court that the question of alimony has been settled by the parties between themselves it is further adjudged, ordered and decreed that the injunction heretofore granted be and the same is hereby dissolved without damages, and it is further adjudged, ordered and decreed that the complainant recover of the defendant her costs about the prosecution of this case incurred to be taxed by the clerk for which execution may issue, and there remaining nothing further to be done in this cause, it is stricken from the docket

Dirah Miles

vs. $\frac{3}{2}$ Dease

France Miles

6203 Page 585

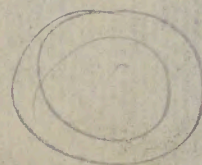
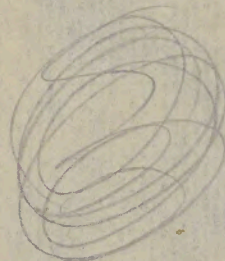
me 14 11 1894

Enter this

March 14. 1894

H. I. K. M.

$$\begin{array}{r} 50 \\ 24 \\ \hline 200 \\ 100 \\ \hline 160 \end{array} \quad \begin{array}{r} 200 \\ 280 \\ \hline 160 \end{array} \quad \begin{array}{r} 8 \\ \hline \end{array}$$



$$\begin{array}{r} 72 \\ 24 \\ \hline 288 \\ 144 \\ \hline 1728 \end{array}$$

Dinah Miles by ²⁴ } In City
France Miles } }

This day came the complaint
by her next friend H. M. Miles and
presented her bill verified by affidavits
moved the court for an injunction
sit apprising proper it is adjudged
ordered & decreed that an injunction
be awarded restraining inhibiting
& enjoining the defendant France
Miles from selling or in any
way encumbering the property in
the bill specified till the further
order of the court but this
injunction will only become
operative upon complaint
or some one for her executing
bond before this court or the
clerk of this court in the penalty
of \$4000.⁰⁰ conditioned to pay all
costs & damages occasioned by the
injunction & also conditioned as
the law directs.

Swan Hills by
W J Deane
France Hills
November 1893

Entered Nov 9th 1893
Che. O.B. pages 5-11-12

Entered
H. S. W. M.
Nov 9th 1893

The depositions of D. C. Fleenor, Martha Miles, Chas. Denny, J. W. Fleenor, Dred Williams, Mollie A. Parsons, H. M. Miles, Ben F. Miles, Henry Pendleton, W. B. Andis, M. H. Jamison, J. P. Graham, W. P. Spinklee & others taken at the office of C. I. Duncan in the town of Jonesville on the 2nd day of February 1894 pursuant to notice hereto attached which depositions are intended to be read as evidence on behalf of the plaintiff in a certain suit in Chancery now pending in the circuit court of Lee County, Va in which Dinah Miles who sues by &c is plaintiff and France Miles is defendant:

Present Duncan & Hyatt, counsel for complainant, and A. M. Gains, counsel for defendant.

D. C. Fleenor, a witness of lawful age being first duly sworn, deposes and says:

1st Ques. Please state your age and place of residence.

Ans. I am 36 years old, reside on the town branch about $\frac{1}{2}$ mile north east of Jonesville.

Ques. 2nd Please state whether or not you are acquainted with France Miles the defendant in this suit, and if so how long have you known him.

ms I am, & have known him all
my life

3rd Ques Please state whether or not you are
acquainted with one Ann Dorton; if
so how long have you known her
and how close does she reside to
you?

Ans. I am acquainted with Ann Dorton &
have known her about 5 years. She
resides about 400 yards from me.

4th Ques. What is her general reputation in
the neighborhood in which she lives
for virtue & chastity?

Ans. It is not very good.

5th Ques. State whether or not it is not a matter
of general repute that she is keeping a
house of ill-fame resorted to for the
purposes of prostitution and lewdness?
It is said that she does.

Ans. 6th Ques Will you please state whether or not
the defendant in this suit visits that
house, the extent and frequency of
those visits and how long he has
been doing so?

Ans. He does; I don't remember to have
seen him in the house more than once.
Have seen him in the yard frequently
also in the porch. It has been going
on some two years or more.

7th Ques Is it not a fact that for the last
two years or more he has passed by
your house almost every evening going

1 in the direction of said house and next
2 morning passed by your house return-
3 ing from that direction, if not how
4 often have you seen him doing so?

Ans. 5 I have seen him ~~going~~ ^{frequently} by my
6 house, of an evening ~~up~~ the road
7 in the direction of said house & on
8 a few occasions I have seen him
9 coming down the road from that
10 direction of a morning. I have seen
11 him go in at the gate a few times
12 & go up ~~toward~~ the house.

Q^d 13 Is it not a fact that general repu-
14 tation in the neighborhood in which
15 you live charges that the said de-
16 fendant and the said Ann Dorton
17 are living in adultery with each
18 other?

Ans. 19 It is so said.

20 X. Examined

1 Q^{ues} 21 by Deft. Who did you ever hear
22 say that Ann Dorton and Frances
23 Miles are living in adultery?

Ans. 24 I have heard Ebb Ganett, Bill Sprinkle,
25 Kib Hyden, my wife & different once
26 use such talk

2 Q^{ues} 27 Please state, Mr. Fluor, if Ann Dorton
28 has not resided at your house
29 as high as a week at a time?

Ans. 30 No Sir.

3 Q^{ues} 31 Is she not a frequent visitor in
32 your house?

Ans. 1 She used to come there pretty often
2 but not in six or eight months.
3 Sometimes she would come there sew
4 & sometimes talk for half an hour
5 or such a matter.

4 Ques. 6 Is it not a fact that your wife
7 and other decent women in the neigh-
8 borhood of Ann Dorton's frequently
9 visit her house?

Ans. 10 No Sir, I don't know that my wife
11 has been there for the last twelve
12 months. About a year ago ^{or more} she
13 went there occasionally.

5 Ques. 14 Can you say of your own knowledge
15 that said Ann keeps a house of ill-
16 fame?

Ans. 17 I can not.
18 Are you not one of her nearest
6 Ques. 19 neighbors?

Ans. 20 I am one among the nearest, but not
21 the nearest.

7 Ques. 22 Have you ever seen France Miles
23 at ^{other} houses in the neighborhood of
24 ~~Ann Dorton's~~

Ans. 25 I have.

8 Ques. 26 Have you not seen France Miles
27 at other houses still farther up
28 the hollow and further away from
29 ~~Lisa~~ home than said Ann's

Ans. 30 I have.

9 Ques. 31 Is it not a fact that Mr. Miles is a
32 very social man and does he not
frequently visit the homes of his neighbors.

(5)

Ans 9- He is friendly & sociable with me.
I have seen him at different houses
up there.

10 Ques. Does not said France own the prop-
erty in which said Ann lives, and is
it not customary for a landlord
to frequently visit the premises of his
tenant?

Ans- It is generally understood that he owns
said property. I suppose it would
be customary for a landlord to visit
his tenant if he had a mind
to.

11 Ques. Does not said France own other prop-
erty still further up ^{than said Ann's} said hollow, and
in order to reach which would
he not have to go by said Ann's
house, or along the road by said
Ann's

Ans- It is so said that he does, & would have
to by her house ^{to get to it} if he went the road.

12 Ques. When you speak of having seen said
France, for the last two years, passing
by your house every evening going
in the direction of said Ann's house
and returning next morning, from
that direction, can you say where
he was going, or from whence
he was coming?

Ans. I can not.

13 Ques. Then I understand from your answer
to said question that you simply

1 saw said Miles passing along
2 the road which runs by your house
3 and also by said Ann's house,
4 and that you do not know where
5 he was going. Is this right?

6 Not at ~~all~~ times did I know where
7 he was going, but a few times ^{I saw him} go
8 in at the gate.

9 Re examined
10 question. You say the defendant owns
11 property above, and beyond Ann Dor
12 tows, who lives upon it.

Ans. 13 "Dad" Miles & her mother, Champ
14 Hamblen & Nelson Graham did live
15 there a while.

2 16 question. How long has "Dad" Miles and
17 his mother been living on said Miles' land?

Ans. 18 About 3 years

3 19 question. What is the general reputation of
20 the house they keep, for virtue and sobriety

21
22 The above question is objected to as
23 being immaterial, irrelevant, and
24 impertinent.

25 A. M. Gains Atty for said
26 France Miles.

Ans. 27 It is bad.

28 And further this deponent saith
29 not — L. C. Fleener

Witness claim
1 Day - 50¢

30
31 Martha Miles another witness after being
32 duly sworn deposes & says: —

1st Ques. Please state your age and place of residence.

Ans. I am 44 years & live about $\frac{1}{2}$ mile north east of Jonesville on the town branch.

2nd Ques. Please state whether or not you are acquainted with France Miles the defendant in this suit, and if so how long have you known him?

Ans. I am acquainted with him & have known him about 25 years.

3rd Ques. Please state whether or not you are acquainted with our Aunt Dorton; if so how long have you known her and how close does she reside to you?

Ans. I am acquainted with Aunt Dorton, and have known her about 5 years. She lives about 60 yards from my house.

4th Ques. What is her general reputation in the neighborhood in which she lives for virtue and chastity?

Ans. I don't know anything about that.

5th Question. How often have you seen the Defendant France Miles at Aunt Dorton's house in the last two years.

Ans. A good many times, I don't know how often.

6th Question. Has he not spent a great many nights there in the last two or 3 years?

Ans. I don't whether he stays there or not.

1 I see him there of an evening very
2 often & also soon of a morning.
3 Question. Have you not frequently seen
4 him come out of the house where Ann Dor-
5 ton lives, of a morning, lock the door, and
6 then slip the key under the door, and then
7 go off in the direction of home.

Ans. 8 I have seen him do so.

8 Question. Have you not frequently seen
9 him, doing work at and around said house
10 such as getting wood making fires and
11 milking Ann Dorton's cow, state what you
12 have seen him do.

Ans. 14 I have seen him carry wood upon
15 the porch & I have seen him going
16 toward the stable, ~~with~~ a bucket
17 I suppose to milk the cow.

18 X Examined.

1 Ques. 19 How long has it been since you saw
20 France Miles come out of Ann Dorton's
21 house, of a morning, lock the door
22 and put the key under the door
23 and go away?

Ans. 24 I don't know how long, but less
25 than a year anyway.

2. Ques. 26 Who was in said house when you
27 saw the above acts?

Ans. 28 I don't know.

3 Ques. 29 What time in the day was it when
30 you saw said acts?

Ans. 31 It was in the morning, before I
32 eat my breakfast.

4 Ques. How far do you live from said Ann's house - Can you state that you saw a key that far away, and that you actually saw him stick a key under the door?

Ans. - About 60 yards. I saw him pull something from the door, which I thought was the key & put it under the door. I can't say for certain that it was a key but from the motion I took it to be.

5 Ques. Does not France Miles own the property in which said Ann lives, and is she not a relative of said France.

Ans. He owns the property I reckon. I suppose they are some a kin. I don't know what.

6 Ques. Does not said France own other property in the neighborhood of said Ann's house, and do you not know that he frequently visits said property.

Ans. He owns other property up there & goes up to see about it. And further this witness saith not

Witness Claim
1 Day - 50^{cts}

Martha^{her} Miles
Mark

The further taking of these depositions is adjourned until to-morrow morning

at 9 O'clock ^{a.m.} at the same place
This Feby 2nd 1894.

D.S. Sewell N.P.

Met pursuant to adjournment, this
Feby 3rd 1894. 9 o'clock A.M. Same
parties present as on yesterday.

D.C. Sewell N.P.

Charles Denny another witness of lawfull
age being duly sworn deposes & says:

1st Ques. Please state your age and place
of residence.

Ans. I am 23 years old, & live in the
Suburbs of Jonesville on town branch.

2nd Ques. Are you acquainted with France
Miles and Ann Dortow? if so how
long have you known them?

I am acquainted with both. I have
known Mr. Miles all my life & have
known Ann 3 or 4 years.

3rd Ques. Are you acquainted with the people
in the neighborhood in which they live?

Ans. Yes sir.

4th Ques. What is the general reputation of
the said Ann Dortow in said neigh-
borhood and among said people for
virtue and chastity? And what kind
of house is she reputed to keep?

Ans. Her reputation is bad and keeps
a bad house.

5th Ques. Did you ever see the defendant
France Miles at Ann Dortow's house
at any time in the last two or

Three years? if so how often?

Ans. I have seen him there. I can't say how often, several times though.

6th Ques. What was he doing?

Ans. - Sitting around in the house & about the house & carrying in wood or something like that.

7th Ques. What times of the day have you seen him there?

Ans. - Mostly of an evening. I have seen him there several times of a night. Once very early in the morning - before day.

8th Ques. How was he dressed on the occasion you saw him there early in the morning?

Ans. - In his night clothes.

9th Ques. How many beds were in that room?

Ans. - Two.

10th Ques. Did you see Ann Dorton on that occasion, and if so how was she dressed?

Ans. I did & she was in her night clothes.

X Examined

1. Ques. When was it that you saw said Miles at said Dorton's in the morning?

Ans. - Christmas morning, last -

2 Ques. Who else was in that room at the time you saw what you say you did see?

Ans. I did not see any one else but Mr. Miles & Ann Dorton.

3 Ques 1 Do you not know that Jane Miles,
2 Dudd Miles and Dudd Miles' children
3 all stayed at ~~the~~ Ann Miles'
4 the night you speak about?

Ans. 5 No, Sir, I do not know it.

4 Ques 6 Does not France Miles own the
7 property in which said Ann lives?

Ans. 8 I have so heard,

5: Ques 9 Do not said Ann a relative of said
10 France, or have you not so heard?

Ans. 11 I have heard it said that they
12 were.

13 And further this deponent saith
14 not -

15 Charles Derry
16 J. W. Fleenor another witness being
17 first duly sworn deposes as follows:

1st Ques. 18 How old are you and where do you
19 reside?

20 I am 57 years old & I reside on
21 the Town branch near Jonesville.

2nd Ques. 22 Are you acquainted with the gener-
23 al reputation with Ann Dorton
24 and the people in the neighborhood in
25 which she lives?

Ans. 26 I am acquainted with the people
27 in the neighborhood & slightly
28 acquainted with Ann Dorton.

3rd Ques. 29 What is her general reputation in
30 that neighborhood and among those
31 people for virtue and chastity?

Ans. 32 It is not very good.

4th Ques. - State whether or not she isn't generally reputed to be a woman of easy virtue and to keep a house of ill fame?

Ans. ~~That~~ It is the report of the neighborhood that she is a woman of easy virtue. I can't say that I have heard that she keeps a house of ill fame.

5th Ques. State whether or not within the last two years you have seen the defendant Frances Miles visiting Ann Dorton's house; if so how frequently?

Ans. I ~~have~~ have never seen Frances Miles about her house more than twice.

6th Ques. -

X Examined.

1 Ques. Does not Frances Miles own the property in which said Ann Dorton lives?

Ans. That is my understanding.

2 Ques. Is it not usually customary for a landlord to frequently visit the premises of his tenant?

Ans. Yes, Sir. I suppose it is.

3 Ques. Is said Ann not a relative of said Frances, or have you not so been informed?

Ans. I have so understood.

And further this witness saith not -

J. W. Flanagan

1 Dud Williams another witness of
2 lawful age being duly sworn de-
3 poses & says:-

1 Question Are you acquainted with France
2 Miles the defendant in this suit, and if
3 so how long have you known him.

Ans. 4 I am and have known him for
5 12 or 15 years.

2 Question. Are you acquainted with Anne
3 Dorton if so how long have you known
4 her?

Ans. 5 I am & have known her for about
6 3 years.

3 Question. Within the last three years have
4 you or not carried provisions and other
5 things for France Miles to Anne Dorton
6 if so how often, and what did you carry?

Ans. 7 I have carried some flour &
8 sugar to her for him.

4th Question. State whether or not you have
9 seen the said Miles at Anne Dorton's house
10 within the last two years if so, how often and
11 what time of day did you usually see him
12 there.

Ans. 13 I have seen him there in the even-
14 ing a few times
15 - X-aminid-

1 Question How many times have you carried
2 provisions from said France
3 to said Ann?

Ans. 4 Some three or four times.

2 Question Do you know whether said Ann
5 paid said France for said pro-

visions, and if so, how?

Ans. She said she paid him some money.

The foregoing answer is objected to be cause witness cannot state what Ann Dorton said about it. It is mere hearsay

Duncan & Hyatt.

for Complainant

3 Ques Does not France Miles own the property in which said Ann lives?

Ans. It is so said.

4 Ques Is not Ann Dorton a relative of France Miles, or have you not so heard it stated?

Ans. I have heard some talk that they were a kin.

witness claims

2 Days at

50¢ H/100

And further this witness saith not —

Dud^{his} Williams
mark

Mollie A. Parsons another witness of lawful age being duly sworn Deposits & says —

1. Question. What, if any, is the relationship between yourself and the complainant and defendant in this suit to wit France & Dinah Miles.

Ans. They are my father & mother.

2 Question. Where have you been living for the last two or three years.

Ans. At the house of my mother & father, Dinah & France Miles

3 Question. Please state whether or not you

1 have heard your father make any threats
2 against your mother ~~in~~ the last two
3 or three years, if so, please state what
4 sort of threats he made and all about it.

Ans. 5 I have heard him curse her, threaten
6 to slap her ^{threaten to} hit her. I have ~~seen~~
7 him draw back to hit her & threaten
8 that if he could not get rid of
9 her one way he would another.
4 10 Question. When were these threats made
11 as nearly as you can state.

Ans. 12 Sometime this last fall about
13 September & about the election.

5 14 Question. Please state the conduct of your
15 mother, to her husband, for the last two or
16 three years and if there was anything in
17 her conduct to cause him to curse abuse
18 and threaten her please state what it
19 was.

Ans. 20 She was just as good & kind to
21 him as he would let her be & she
22 never gave him any cause to curse
23 & abuse her. as I

6 24 Question. Please state how many nights
25 your father has staid at home, in the
26 last two years, as nearly as you can, and
27 if you have been absent from home any time
28 during that time state how long.

Ans. 29 I have not been absent more than
30 two weeks during that time. I do
31 not think he has stayed at home
32 of a night more than a month

all put together during that time.

7 Question. Please state what time in the evening he would go off and what time in the morning he would return?

Ans. Sometimes tolerably early & sometimes late in the evening and generally came home in the morning for breakfast.

8 Question. Do you recollect when your Brother Ben left home, to go to Texas and if so please state whether or not, your mother, yourself and H. M. Miles persuaded the said Ben to leave his home and go west

Ans. I recollect when he went and I know he was not persuaded to go by myself or mother.

9 Question. On that occasion did your mother secretly prepare him for the trip or secretly aid him in getting ready for said trip without your father's knowledge?

Ans. No, sir, I don't suppose she did. There was no secret about it. My father was informed of it a week before he left.

10 Question. ~~Did your father~~ go to Mrs. Callie Martin who had lately come from Texas to see if he could not purchase from her a return ticket to that state for Ben.

Ans. I don't know.

X Examined

1 Ques 1 What has been your feelings toward
2 your father France Miles for the last
3 three years?

ans. 4 Friendly, until last September,
5 when he would let me be

2 Ques 6 Then you do not feel very kindly
7 toward him at this time?

ans. 8 I have not got any unkind
9 feelings toward ^{him}. I wish I could
10 get along with him

3 Ques 11 How many times in the last three
12 years have you attempted a friendly
13 conversation with - France Miles, such
14 as a daughter would carry on with
15 her father?

ans. 16 Up to ^{the} last few months we got along
17 all right

4 Ques 18 Have you had a conversation with
19 France Miles in the last 12 mos.;
20 if so what about?

ans 21 I know I have had conversations
22 with him in that time. I can't
23 say what ^{they were all} about. The last one was
24 about Ben.

5 Ques 25 Has not said last conversation
26 you speak of in a family quarrel?

ans. 27 No, sir.

6 Ques 28 Do you not know that on the morning
29 that Ben Miles started to Texas that
30 France Miles came in the house
31 and asked your mother Dinah
32 if she was going to let said

1
Ans. 2 ~~go to Texas?~~ and
I do not.

7 Ques 3 Do you not know that H. M. Miles
4 or Chas. Miles, one or the other, sent
5 Ben \$15, or thereabouts, ~~for~~ him
6 to come to Texas an?

Ans. 7 They sent him \$28, one or the
8 other. I do not know which.

8 Ques 9 Which of the above parties, according
10 to your understanding was it that
11 sent said money?

Ans. 12 I do not know which. I rather under-
13 stood it to be both.

9 Ques 14 Did you or your mother ever
15 tell France Miles that Ben was going
16 West?

Ans. 17 I told him. I do not know whether
18 my mother told him or not. Ben
19 told him.

10 Ques 20 How can you say that Ben told
21 him?

Ans. 22 Ben said so.

11 Ques 23 Then you are only going upon
24 hearsay are you?

Ans. 25 No, as regards Ben.

12 Ques 26 You say that you nor your
27 mother did not persuade Ben to
28 go to Texas, how can you say
29 that your mother did not
30 persuade him?

Ans. 31 I never heard her.

13 Ques 32 Could your mother not have
done so, and that not in your pres-
ence? ~~yes, to~~

Ans. 1 Yes, of course she could, but I don't
2 think she did.

14 Ques. 3 You say that France has not stayed
4 at home more than a month all
5 together in the last two years,
6 do you know where he was
7 at the time he was absent?

Ans. 8 I do not

15 Ques. 9 Has it not been the habit and custom
10 of your mother in the last two or
11 three years to take sides with, shield
12 and protect her children when their
13 father was attempting to correct them?

Ans. 14 No sir, Not when he attempted
15 to correct them right.

16 Ques. 16 Then she has done so, has she?

Ans. 17 He She has not, unless he would
18 come home ^{drunk} cursing & abusing
19 them & she would tell him to
20 wait till he got sober &
21 then talk to them.

17 Ques. 22 What were the circumstances under which
23 the acts occurred as detailed by you
24 in your answer to question 3, pro-
25 pounded to you by the other side?

Ans. 26 He just come home drunk, cursing
27 & cutting up.

18 Ques. 28 Have not you and H. M. Miles insisted
29 on your Mother bringing this suit?

Ans. 30 I have not, I do not know what
31 H. M. Miles has done. I did not
32 know that it was going to be brought
until it was commenced.

19 Ques. Can you tell why it is that your mother is not here taking part in these proceedings?

Ans. She is not able to get here.

20 Ques. Did she not milk yesterday morning?

Ans. She did.

21 Ques. Did she not milk this morning also, and has she not been up all day so far as you know?

Ans. She did. She has been up all day so far as I know.

22 Ques. Do you not know it to be a fact that your mother would not be here if her health was ever so good?

Ans. I do not.

23 Ques. Have you not heard her say that she would not come?

Ans. I have not.

24 Ques. Who else was present at the time of the occurrence of the acts detailed by you in your answer to ques. 13, above propounded by the other side?

Ans. No one, but my mother and ^{brother} Dave. ^{Remained}

1 question. The 14th question asked you an cross examination is as follows. "You say that Horace has not stayed at home more than a month altogether in the last two years, do you know where he was at the time he was absent" To which you

1 answered "I do not" Now please state
2 when you understood he stayed those nights,
3

4 The above question and the answer
5 thereto is objected to, as her
6 understanding is not evidence
7 in this case.

8 A. M. Goins, Atty for Francis
9 Miles.)

10 ans. Up at Ann Dorton's on the
11 Creek.

12 question. Has Francis Miles furnished
13 the support for his family during the last
14 two years, if not, who has furnished it.

15 ans. He has not furnish near all
16 that it has taken to eat and
17 not near all it has taken
18 to wear. H. M. Miles has furnish
19 some, I have furnish some
20 & Ben has furnish some &
21 my mother some.

22 Re-Examination

23 1 Ques. From whom did you get your information
24 that Francis stayed at
25 Ann Dorton's, as you above
26 state?

27 ans. I could^{nt} tell you who all. I have heard
28 lots speak of it. I have heard Bill
29 Andis, Martha Miles & Grand father
30 Miles say they had seen him
31 there.

32 2 Ques. Did you ever hear any of the

1 above parties say that France stayed
2 all night at Ann Dorton's

Ans. 3 I have heard grand father & Martha
4 Miles say they had seen him ~~he~~
5 come out of her house early in
6 the morning & lock the door &
7 slip the key under the door -

3 Ques. 8 How much of the time in the last
9 two years ^{has it been} that France Miles has
10 failed to furnish the support for
11 his family?

Ans. 12 About half of the time; the
13 first part of the last two years
14 & the last part of the last two
15 years. he did not furnish it.

4 Ques. 16 Who furnished it the first part of
17 the last two years?

Ans. 18 H. M. Miles & myself.

5 Ques. 19 At the time you say that you and
20 ~~you~~ H. M. Miles furnished said
21 support, was not said H. M. Miles
22 a married man and did not he
23 and his wife both live with said
24 France, and was you not at
25 that time over 30 years of age
26 and also ~~a married woman~~
27 ~~or~~ a widow woman?

Ans. 28 yes, sir.

6 Ques. 29 Who furnished the support the
30 last ~~half~~ part of said two years?

Ans. 31 I furnish the biggest part of it.
32 Mother furnish some. My father

furnish some up to September last,
Since then my father has not furnish
Anything.

7 Ques During the above time has not France
furnished the whole of the bread, the
principal part of the meat, and
at the same time furnished a good
cow for the family?

Ans No Sir, he has not furnish all the
bread nor all the meat. There is
a cow there, but my mother claims
it.

8 Ques Do you not know that since last
August that France has furnished
26½ bu. of wheat for his family?

Ans- No Sir, he furnish 17½ bushel at
home. I hear him say that there
was 17½ bushels & the most of it
was gone when he quit staying
at home.

9 Ques Has not your mother during the last
few years always collect the board-
bills of boarders that stayed in
the family and used the same

Ans. Yes sir, She has had only one
boarder though. He has been
boarding there since ^Sometime
last summer.

10 Ques During the above time was there not
a good garden raised on the place
and has there not been hogs killed
for the use of the family?

Ans. There has been one hog killed & it belong to my mother. Mr Munsey gave it to her & it was raise on the slops. There was a very good garden raise, but my mother worked it & hired it cultivated except my father worked over the patch of corn the first time & also planted the patch of corn in the

And further this deponent saith not.

witness
claims
2 days at
50¢ / 1.00

Mollie A Parsons,

The further taking of these depositions is adjourned until Monday morning ^{next} at 9 o'clock A.M. at the same place. This Feby 3rd 1894.

D.C. Sewell M.P.

Met pursuant to adjournment, This Feby 5th 1894 (9 A.M.). Present Duncan & Heatt attys for Plaintiff & F.M. Goins atty for Defendant.

H.M. Miles another witness of lawful age being duly sworn deposes & says:

Ques. 1 Please state your age and place of residence.

Ans. I am 25 years old & live in the town of Jonesville.

2nd Ques. What relation are you to the defendant France Miles?

Ans. I am his son.

3rd Ques. When have you ~~made~~ your home principally for the last two or three years?

Ans. 1 I came from Texas June 1892 ^{7.6}
2 I lived at my father's from 1st ~~July~~ ^{July} 1892
3 till 27 March 1893, since, then have
4 kept house in Jourdille.

4th 5 question. During the time you resided at your
6 father as aforesaid from June 7th to March
7 27th Please state whether your father staid
8 at home of nights and give as nearly as you
9 can the number of nights he staid away
10 from home.

Ans. 11 Perhaps he stayed as much as fifteen
12 nights during the ten months I
13 was staying at his house.

5th 14 ~~What time~~ Was he at home during the day
15 if so please state about what time he would
16 leave in the evening and return in the morning.

Ans. 17 He seldom came home from the
18 Shop in the after-noon & would
19 usually come home for breakfast
20 in the morning.

6th 21 Are you acquainted with one Anne
22 Dorton, and if so how long have you
23 known her.

Ans. 24 I ~~have been~~ ^{have been} well acquainted
25 with her about five years. Have
26 known her for a number of years.

7th 27 Do you know the people in the neigh-
28 borhood in which she lives.

Ans. 29 Yes, Sir.

30 What is her general reputation in said
31 neighborhood and among said people
32 for virtue and chastity.

Ans. It is very bad.

8. Please state whether ~~or not~~ in the last two years your father Francis Miles has or has not been a frequent visitor at the house of the said Ann Dorton. State all you may know of his intimacy and connection with said woman.

Ans. He has been a frequent visitor at Ann Dorton's house. I have seen him there often. I have seen him there at almost all times in the day & have seen him there at night. I have seen him carry wood in the house. I have seen him going up & down the road with her on behind him on a horse. Have seen him walk up & down the road with her. Have seen him picking black berries with her. Have seen him helping her to carry vegetables to her house. Have seen him come up the street in Jonesville with her. Have seen her in his shop often. Have seen him help prosecute boys for interfering with her. He also prosecuted me for whipping her.

9. On the nights you speak of seeing Francis Miles at the house of Ann Dorton, did he remain away from home all night, if not what time in the night would he return home

Ans. 1 He remain away from home all
2 night. He would come home
3 about breakfast time.

10 4 How far does the said Anne live from
5 the dwelling house of the said Francis
6 Miles.

Ans. 7 About one half or three quarters
8 of a mile.

11 9 Please state the property owned by the
10 said Francis Miles and the fair cash
11 value thereof as nearly as you can.

Ans. 12 He owns a house & lot in Jonesville
13 worth \$800⁰⁰; a farm known as
14 the Sullivan Tract of about 75
15 acres, worth about \$1000⁰⁰; an-
16 other tract known as the Pridmore
17 tract, I always understood about
18 50 or 60 acres, worth about ten
19 dollars an acre; the Joe Garrett
20 property worth about \$300⁰⁰; the
21 blacksmith shop & lot, worth about
22 \$50⁰⁰; a house & lot, worth \$50⁰⁰;
23 house & kitchen furniture worth about
24 \$25⁰⁰.

12 25 The method of cross examination here
26 used seems to suggest that your mother
27 is not prosecuting this case of her
28 own accord. Please state how this
29 is.

Ans. 30 She is prosecuting it herself. She came
31 to my ^{house on the morning after the election} & said she could not stand
32 it any longer, before I ever mentioned
it to her.

13. Please state the treatment of your father to your mother recently before this suit was brought. State any threats he made against her or any violence or offers of violence to her.

Ans. It was the most brutal kind of treatment. He would get drunk & go home & curse & swear, threaten to throw her ^{out}, threaten to strike her. I have seen him draw back to strike her & say that if he could not get rid of her one way he would another.

14. During the 10 months you lived at home that is from June 1st 1892 to March 27th 1893 who supported the family, and state how much if anything your father contributed thereto.

Ans. I supported the family during that time principally. I don't think he contributed as much as two dollars a month.

X Examination

1 Ques. What are your feelings toward your father in this matter?

Ans. The very kindest.

2 Ques. How long has it been since you had a conversation with your father?

Ans. About three months.

3 Ques. Have you ever talked with him except in a power or quarrel since the 1st of Sept. last? If so, when and about what?

Ans. 1 I have talked to him about three
2 months ago & tried to get him to go
3 away ^{tell he} settled down & be quite & let
4 the family alone.

4 Ques. 5 Why is it that you have had nothing
6 to do with him since then?

Ans. 7 Because he threaten to whip me &
8 I knew I couldn't get along
9 with him peaceably.

5 Ques. 10 You say in your answer to question
11 4 above asked you by Complainant
12 that France Miles ~~did~~ not stay
13 at home more than 15 nights
14 in the ~~last~~ ^{that you stayed at his house} ten months, can
15 you say where he was during
16 that time of your own knowledge?

Ans. 17 I cannot.

6 Ques. 18 Does not France Miles own the
19 property in which Ann Dorton
20 lives?

Ans. 21 I understand he does.

7 Ques. 22 Is not Ann Dorton a relative
23 to France Miles?

Ans. 24 I have always understood she was.

8 Ques. 25 When you say that you have
26 seen him there at almost all times
27 in the day & have seen him there
28 at night, do you mean that
29 you have seen him in the house
30 or on the out side, and can
31 you say who were in in the
32 house at the time?

Ans. 1 I have seen him in the house
2 on the porch & in the yard. I
3 have seen Ann Dorton, Sud Miles
4 & Jane Miles all in the house
5 with him

9 Ques 6 Did you ever see him there when
7 there was not some one ^{else} in the
8 house

Ans. 9 I have seen him there when I
10 did not see any one else in
11 the house, but don't know
12 whether there was any one in
13 there or not.

10 Ques 14 You say that France has pros-
15 ecuted you for whipping Ann
16 Dorton, what do you mean
17 by this?

Ans. 18 I mean just what I say. He
19 came with them & assisted on
20 them getting the warrant & aided &
21 took the warrant & give it to the
22 Sheriff. & I am told, too

11 Ques 23 Did you ever examine France's
24 title to any of his property?

Ans 25 No Sir.

12 Ques 26 Then which would you prefer
27 to believe as to what property
28 he owns, his sworn statement
29 or your suppositions?

Ans - 30 Objected to be because immaterial
31 Duran & Hyatt.
32 I would prefer to believe his sworn statement.

13 Ques. 1 When was you on the track of land
2 above spoken of, known as the
3 Sullivan track?

Ans. 4 Last fall.

14 Ques. 5 Do you not know that there is
6 not a stick of timber on it
7 that would make a second
8 class saw stock or a rail-cut?

Ans. 9 I don't think there is many poplars
10 that would make plank. There
11 is some very good oak timber
12 & some walnut. In the main
13 body of timber, I don't think
14 he has had cut off ^{or of it} over 50
15 cords of fine wood.

15 Ques. 16 Do you know the meets and bounds
17 of said land?

Ans. 18 I don't know the exact bounds
19 but I know pretty well where
20 they are.

16 Ques. 21 Do you know what your father
22 gave for this track of land?

Ans. 23 I have understood, by hearing
24 him talk about it, that he
25 gave \$750⁰⁰ for it.

The above question and answer
is objected to because immaterial

S & H for Compt.

17 Ques. 29 Will you take this said track off
30 of said Francis's hands at \$700?

31 This Ques. is objected to because im-
32 material.

Duncan & Hyatt
for compt.

Ans. 1 I am not in the real estate
2 business.

18 Ques. 3 Do you think your self a reasonable
4 judge of the value of real estate?

Ans. 5 I am not an expert.

18 Ques 6 If France Miles only give \$550 for
7 said tract of land, has cut the
8 principal part of the timber
9 off of the same ^{since he owned} and would
10 now sell the same for \$600,
11 don't you begin to think your
12 valuation of \$1000 rather high?

Ans. 13 Not the least bits in the
14 world, because various improve-
15 ments ^{have been} made on it.

19 Ques 16 If said land was sold for cash
17 in hand to the highest bidder, at
18 the court, at public outcry, after
19 30 days notice, in your opin-
20 ion what would it bring?

Ans. 21 I don't know.

20 Ques. 22 How can you then say that
23 this land is worth \$1000?

24 Objected to be an irrelevant
25 immaterial and impertinent

26 D & H for Puff

Ans. 27 Because I think it is worth that
28 to any one that wants a house.

21 Ques. 29 When you say that the Pridmore
30 tract contains 50 or 60 acres,
31 upon what authority do you
32 say so?

Ans. - Upo what my father has said about it.

22 Ques. If your father now swore that there were only 23 acres in said tract, what have you to say to it, do you ~~you~~ still insist that there is ~~are~~ 50 or 60 acres?

Ans. I haven't anything to say to it, but still insist that he said there was 50 or 60 acres in it.

23 Ques. Can you tell why it is that your mother is not here prosecuting her case for this divorce?

Ans. She is not able to be here & has some one to prosecute it for her.

24 Ques. Is not the somebody who is prosecuting for her more anxious about it than she?

Ans. No sir; the somebody prosecuting it for her has no interest in it whatever except the interest he feels for his mother's welfare.

25 Ques. Is it not a fact, and do you not know, that your mother would not be here if her health was ever so good?

Ans. It is a fact she would not be here because she has some ^{one} to look after it for her. If she had no one to prosecute it for her she would be here.

26 Ques. Don't it seem to you that if she was

1 very deeply interested in the matter
2 That she would be here although
3 she has got some one to attend
4 to it for her?

Ans. I don't.

27 Ques. 5 What is it worth to board ~~last house~~
6 a man or a woman per month
7 furnishing ~~beds~~ house, fires
8 &c.

Ans. 9 I never boarded in this county, I don't
10 know sir.

28 Ques. 11 What is the usual price paid in
12 this community for that purpose?

Ans. 13 I don't know sir.

29 Ques. 14 When you speak of furnishing the
15 principal part of the provisions
16 at France Miles while you and
17 your wife stayed there, how
18 much did it cost you per
19 week?

Ans. 20 I never kept an account of it,
21 but I suppose about \$10⁰⁰ per week.

30 Ques. 22 How many ~~were~~ ^{were} in family at
23 the time you furnished, ^{about} \$10 worth
24 of provision per week?

Ans. 25 Seven part of the time, except
26 Ben was away a part of the time.

31 Ques. 27 At the same time what did the
28 amount of provision purchased
29 by France per week amount
30 to?

Ans. 31 As I said before about \$2⁰⁰ per month.
32

32 Ques. During the above time did France
not have a good cow and was
not the proceeds of his farm and
garden used by the family?

ans. There was a cow in the family, but
it has never been considered by any of
the family as his. The proceeds of the
farm was mostly fed out to the
his Maile & colts. There was a
very good garden that year & I hired
it made. I don't know whether
there was any wheat brought there by
him during the time I stayed there
or not, but I believe ^{that} there was
perhaps a little brought.

33 Ques. Do you actually believe that it took
\$42 per month to board that family?

ans. Yes sir, I do.

And further this deponent saith
not.

H. M. Miles

Henry Pendleton (another witness &
lawful being duly sworn deposes
that)

1 Ben Miles another witness of lawful
2 age being duly sworn ~~he~~ says:-

3 What is your age?

1 ans I ~~was~~ 18 years old last December
2 1st. I have state whether or not your
3 Mother ~~the~~ ~~off~~ in this case persuaded
4 you to go to Texas. when you took that
5 trip sometime ago. and also state whether
6 or not she secretly aided you to get ready
7 for the trip. State all about it.
8

9 ans My mother did not persuade me to
10 go to Texas, nor did she secretly
11 aid me in getting ready for the
12 trip. She opposed me going & did not
13 want me to leave.
14

15 Q State whether or not your father Francis
16 Miles knew of your intention to go, how long
17 he knew it before you started, and what
18 he said and did about it.
19

20 ans. He knew of it some two or three
21 days before I left. He never said any
22 thing ~~particullly~~ about it to me. Mrs.
23 Callie Martin was here from Texas & she
24 had heard that I was going & wanted
25 to sell me her return ticket. He,
26 my father, talked to her something
27 about it. I do not know what all
28 he said to her. When he came back
29 to the Anvil where I was he said
30 that he thought she asked too much
31 for it - that he thought I could get
32 a ticket cheaper. That is the way
I remember it.

4th. If you ever saw your father at a house
of ill fame please state where it was
where it was and all about it?

Ans- I can't state exactly where it was,
but it was sometime after last
Christmas, a year ago. It was up
at "Dud Miles". I went up there
in company with some boys one night
& my father & George Holliday were there.
All the boys went in but me as
soon as we went up. I stayed out
a little while & then went in. He was
sitting there, but did not remain but
a little while after I went in. ^{They}
Some of them said he went down
into the road & called for Dud. She
& Ann then went out. Dud came
back to the house & some said Ann
went off with him.

So much of the above answer as
comes in under they said, or
as is hearsay is objected to.
A.M. Goins,
Atty for Deft,

1 Does your ~~father~~ ^{Examiner}

1 Does your mother never
persuaded you to go to Texas,
who did persuade you?

Ans. Didn't any one persuade me.

2 Does ^{Who} insisted on your going,

1 or furnished you money upon
2 which to go?

Ans. 3 No one insisted on me going. Morgan
4 miles, my brother, wrote me, if I would
5 come out there I could make some-
6 thing. Morgan sent me all the
7 money that was sent.

2 Ques. 8 How long was it from the time that
9 Morgan wrote you to come out
10 there until you started?

Ans. 11 I don't know. It wasn't very
12 long - about two months I guess.

3 Ques. 13 Who prepared your clothing
14 to and got you in readiness
15 for your trip?

Ans. 16 Mollie & Mother.

4. Ques. 17 Did you ever yourself talk with
18 your father about going to Texas,
19 or did you hear your Mother
20 or Mollie talk to him about
21 your going?

Ans. 22 I never talked to him & I never heard
23 Mollie or my mother talk to him
24 about it.

5-Ques. 25 You say that your father talked
26 with Mrs. Callie Martin about
27 buying her ticket for you
28 to go to Texas and, who was
29 present at that time?

Ans. 30 I don't think there was any one.
6 Ques. 31 Do you not know that Mrs. Calie
32 Martin did not ~~go to~~ back
from Texas until you left
for Texas?

Ans. 1 She was here when I left.

7 Ques 2 Do you not know that it was
3 Mrs. Frances Martin who ~~had~~ come
4 to see your father about selling
5 said ticket - instead of Mrs. Callie
6 Martin, and ^{that} this was after
7 you had gone to Texas, and
8 is not all you know about
9 this matter hearsay?

Ans. 10 They told me it was Callie Martin
11 is all I know about which it was.
12 This was not after I went to
13 Texas & what I say is not
14 hearsay.

8 Ques. 15 Do you know of any one ever
16 telling France Miles that you
17 were going to Texas up to the
18 time you started?

Ans. 19 I don't know except what Mollie
20 said.

9 Ques 21 Then you do not know of your
22 own knowledge?

23 No Sir.

10 Ques 24 What is your feeling toward your
25 father at this time?

Ans. 26 I haven't any ill feelings
27 toward him.

11 Ques 28 Do you speak to him and hold
29 conversation with?

Ans 30 No Sir.

12 Ques 31 Where is your mother Quiah
32 Miles at this time?

Ans. Down at Home, I suppose.

13. Ques. Can you tell why it she is not here prosecuting her suit?

Ans. I cannot.

14. Ques. Have you not reasons to believe that your mother does not want a divorce as bad as others want her to have it?

Ans. No Sir, I don't know that I have.

15. Ques. Have you talked with your mother on these proceedings?

Ans. No Sir.

16. Ques. You say your mother approved your going to Texas, what did she say to you on this matter, and then when you went did you not go regardless of the wishes and commands of your mother?

Ans. She just said she didn't want me to go. She didn't want me to go, but she didn't command me not to go, of course, I went against her wishes.

17. Ques. Does not France Miles own the property in which Dad and Jane Miles lives, and is not France Miles a relative of said parties, and is it not customary for a man to visit his relatives, or a landlord his tenant?

1 So much of the foregoing question
2 as asks for the custom of owners of
3 property, and Landlords is objected to
4

Duncan & Hyatt. Atty.

for Plaintiff.

Ans. 5 I reckon he owns the property &
6 I think there is related to the parties.
7 I guess it is customary for one
8 to visit his relatives & tenants.
9 And further this deponent with
10 not. Ben Miles
11

with claims
1 day - 50

12 Henry Poulton a witness of law
13 ful age being first duly sworn deposes
14 and says.
15

16 Are you acquainted with Frances Miles
17 and Ann Dorton.

Ans. 18 yes sir.

2 19 In the last two or three years. Have
20 you done any hauling to the house
21 of Ann Dorton at the request of Frances
22 Miles, if so please state what you haul
23 ed and wherefrom.

Ans. 24 I have hauled some wood up
25 there about a year ago. I hauled
26 some 5 or 6 cords. I hauled it off
27 of Mr. Miles' land. I also hauled
28 14 shocks of cut up corn from
29 off Mr. Miles land. I did this
30 hauling at the request of Mr Miles.
31 Please state whether or not in the last
32 two years you have seen Frances Miles

1 about the house of Ann Dorton, if so
2 how often, and was it day or night.

Ans. 3 I have seen him there several times.
4 mostly of a day only once at
5 night.

4 6 When was it you saw him there at
7 night?

Ans 8 Sometime last Summer.

5 9 What time of night was it, and what
10 was he doing there?

Ans 11 It was nearly 9 o'clock. He was
12 sitting around the fire. I don't
13 know whether he stayed all
14 night or not. I left him
15 there also Boyd Miles, who
16 is said to be the uncle of Ann
17 Dorton & also of France Miles.
6 18 What was he doing there ~~at the time~~
19 you saw him there in the day time.

Ans. 20 He was just standing around
21 on the porch. One time I called
22 him out of the house on the
23 porch.

7 24 Did you ever see France Miles and Ann
25 Dorton together at any other place than
26 at the house where she lives, if so where
27 and how often.

Ans. 28 I have seen them going ~~the~~ along
29 the road together.

30 X Examined

1 31 Do you know whether or not Ann
32 paid France for having said wood
hailed or not? No Sir.

Ans- No Sir.

2 Ques. Where did you haul said fodder
from and who raised it?

Ans. I hauled it from a field still
further up the creek from where
she lives. It is said she
raised the corn.

3 Ques Is not Ann Dorton a tenant of
said France and is she not
a relative of his?

Ans- I think she lives in his property
& I have heard that she is related
to Mr. Miles.

Witness
Claims
3 Days - 50
\$150
And further this deponent saith
not -

Henry ^{his} Pendleton
mark

The further taking of these depositions
is adjourned till Wednesday Morning,
Feb'y 7th 1894, at 9 O'clock A.M.
at same place. This Feb'y 5th 1894

D. P. Sewell M.P.

Met pursuant to adjournment at
same place & the same parties
present. This Feb'y 7th 1894 - 9 O'clock A.M.

D. P. Sewell M.P.

W. B. Audisole another witness of lawful
age being duly sworn deposes & says:-

129 Are you acquainted with France Miles
the Defendant in this case and with Ann Dorton.

Ans- I am acquainted with both.
232 Please state whether or not the said France

(45)

1 in the east two years has been visiting
2 at the said. Aker's house. if so please
3 state how often you have seen him there
4 and what he was doing.

Ans 5 I can't state how often I have
6 seen him there, several times though
7 I have never seen him in the town.
8 Most the time I saw him there he
9 was just stand around.

3 10 Please state whether or not you have seen
11 them together at any time travelling up or
12 down the road, or together anywhere else
13 if so how often?

Ans 14 I have seen them pass down
15 the road together about twice.

4 16 State what you have heard the said France
17 say about selling and disposing of his prop-
18 erty, if anything.

Ans 19 In November, I think, ~~in the~~ morning
20 after he had been arrested on one
21 occasion, I was talking to Mr. Miles
22 ~~in~~ the jail yard. He asked me to go
23 down & see his wife & see what she
24 was going to swear in the prosecution
25 of that warrant. I went down there
26 & told his wife what I had come for
27 & that he had sent me to know what
28 she was going to swear in the prosecution
29 of that warrant. She said she wasn't
30 going to swear anything unless she
31 had to, & I went back & told Mr.
32 Miles what she said. He went

1 on to say then that ^{it} was the second
2 or third warrant that they had taken
3 him with & had it prosecuted any of
4 them & if they didn't stop ^{it}
5 that he would sell what he had
6 if he had to make a sacrifice
7 of it & get out of this racket, or
8 leave this racket. He then went
9 on to say something about her
10 third. I can't remember what he
11 said about her third.

12 Examined

13 1 Ques. Does not France Miles own the
14 property in which said
15 Ann Miles lives and is he
16 not a kin to her?

17 Ans. I suppose he does own the property.
18 I have also understood that he was
19 related to her.

20 2 Ques. Did not said Ann have a garden
21 and some corn on said ⁱⁿ France's
22 land, and when you saw
23 said France and said Ann
24 coming down the hollow
25 were they not coming from
26 that direction?

27 Ans. They were coming down from where
28 they said she had some corn or a garden.

29 3 Ques. Did you ever hear France Miles
30 say that he would dispose
31 of his property so as to deprive
32 his wife of her $\frac{1}{3}$, or dower in-
terest?

Ans. 1 I didn't understand what he said
2 about her third. I was leaving him
3 at the time & did understand what
4 it was.

5 And further this deponent saith not.
6 W B Andris

7 M. H Jamison, another witness of
8 lawful age being duly sworn deposes
9 & says:

10 question. What relation are you to France
11 Miles?

Ans. 12 I am his sister.

13 Please state anything you ever heard
14 the said France say about selling and
15 disposing of his property.

Ans. 16 I heard him say, the morning
17 after the election, that he was going
18 to sell what he had & leave the
19 country before he would live
20 as he had been living.

21 What did he claim his property was
22 worth.

Ans. 23 He claimed he was worth \$2000⁰⁰.

24 X-Examination-

1 Ques. 25 Have you ever lived in France
26 Miles' family; and if so, how
27 did he treat and provide
28 for his family?

Ans. 29 Yes, sir, I have lived in his family.
30 It was some 12 years ago. He then
31 provided well for his family & they
32 would have some difficulties, but

1 they were not made public. His
2 wife kept her family troubles to
3 herself.

2 Ques. 4 How could you tell that there had
5 been a difficulty between?

Ans. 6 I could tell from Mrs. Miles acts.
7 She would look troubled & crying
8 around.

9 And further this witness saith not.
10 Remained.

11 Question. Please state what kind of woman
12 Mrs. Dinah Miles is in her family, whether
13 she kind pleasant or not.

Ans. 14 She is a kind & pleasant woman
15 to her family & every body else.

16 And further this witness saith not.
17 M. H. Jarricoe

18 The further taking of these depo-
19 sitions is adjourned until Friday
20 morning ^{Feb 9th 1894} at 9 o'clock at same
21 place. This Feb 7th 1894.

22 D. F. Sewell M.P.
23 Met pursuant to adjournment at same
24 place & same parties present this 9th Feb
25 A.M. Feb 9th 1894. D. F. Sewell M.P.

26 J. P. Graham another witness of lawful age
27 being duly sworn deposes & says:-

28 Where do you reside?

Ans. 29 Near Jonesville

30 How near to where Ann Dorton lives

Ans. 31 Between a quarter & half mile.

32 Are you acquainted with the people in

1 The neighborhood where she lives?

Ans. 2 I am.

3 What is her general reputation in her
4 her neighborhood and among her neighbors,
5 for chastity and virtue.

Ans. 5 Some say she screws a little
6 with some certain fellows,
7 Who are the certain fellows that it is
8 said she does that with.

Ans. 9 I have heard it said she does
10 it with every body -

11 Please state whether or not ~~Thomas Miles~~
12 is not a frequent visitor at the house
13 of the said Anne.

Ans. 14 I have seen him there, but not a
15 great many times. I can't say
16 that he is a frequent visitor. I have
17 heard it said that he was.

18 Please ~~state whether~~ you ever heard
19 ~~Thomas Miles~~ say about selling his
20 land if anything, & where it was?

Ans. 21 Some 4 or 5 months ago, my wife
22 was talking about buying some
23 land & she got to talking about that
24 place & I asked Mr. Miles what he
25 would take for that piece of land.
26 He said he hardly knew, I will
27 see about, I haven't thought about
28 it. On this occasion nothing much
29 more was said. At another time
30 I was talking to him about it & he
31 asked me what I could afford to
32 give him for it. Then I went on

1 to tell him that there was no
2 timber on it, that it would be a
3 very hard thing to fence it unless
4 he could get timber from above
5 or another man's land. Then he said
6 well, you can say what you think
7 you can afford to give for it. I told
8 him I couldn't afford to give over
9 \$125⁰⁰ or \$150⁰⁰ for it. This piece
10 of land is the Pridemore tract.

11 X Examination

1 Ques. 12 Are you acquainted with the
13 lands and premises of France
14 Miles? If so, what do you regard
15 as its fair cash value?

Ans. 16 I am. I would estimate the
17 House & lot here in town to be worth
18 from \$1200⁰⁰ to \$1300⁰⁰, the Sullivan
19 tract worth about \$600⁰⁰, the Pridemore
20 tract worth about \$125⁰⁰ or \$150⁰⁰, as to
21 the Joe Garrett tract I would not more
22 than pay the tax on the land for it, but
23 the buildings &c would be worth about
24 \$125⁰⁰.

Ques 2. 25 Does not Ann Dorton live in France
26 Miles' property, and is not said
27 Ann a relative of said France?

Ans. 28 She lives in France's property & I
29 suppose she is related to him.

And further this witness saith
30 not.

J. P. Graham

Witness claimed

2 Day 2 - at
53⁰⁰ - 1⁰⁰

1 W.P. Sprinkle another witness of lawless
2 age being duly sworn deposes & says:-

3 Are you acquainted with France Miles
4 and Anne Dorton, if so how long have you
5 known each of them.

Ans. - 6 I am acquainted with both & have known
7 France about 20 years & Anne about
8 5 years.

9 Please state if in the last two or three
10 years you have hauled, or had hauled,
11 any wood to Anne Dorton's if so how
12 much and at whose request and
13 who paid you for it.

Ans. 14 I reckon my team hauled some,
15 I guess some 3 or 4 loads. A Mr. Miles
16 told me to tell my driver to haul two
17 loads. Mr Miles paid me for a part
18 & he paid part to the driver as he
19 (driver) said.

20 How near do you live to Anne Dorton's
Ans. 21 about $\frac{3}{4}$ of a mile.

22 Are you acquainted with the people
23 in the neighborhood where she lives

Ans. 24 yes.

25 What is the general reputation of
26 the said Anne in that neighborhood
27 and among her neighbors for virtue

Ans. 28 It is bad.

29 Please state whether or not in the last
30 two or 3 years you have seen the said
31 France at or about the house of the said
32 Anne if so how frequently.

Ans. 1 Yes, I have seen him there very
2 frequently.

3 Was it day time or night time when you
4 saw him there.

Ans 5 Both.

6 X Examined

1 Ques. 7 Do you know whether Ann Dorton paid
8 France Miles for having said wood,
9 above referred to by you, hauled or
10 not?

Ans. 11 I don't know anything about that.

2 Ques 12 Does not Ann Dorton live in France
13 Miles' property, and is she not
14 a relative of his?

Ans. 15 He claims that it is his. I
16 have understood that they were
17 related.

3 Ques. 18 Does not ~~the~~ France own other property
19 in the neighborhood of Ann Dorton's,
20 and have you not seen him
21 at other houses in that neighbor-
22 hood in the last two or three years.

Ans. 23 I understand he owns other property near
24 there. I have only seen him at one
25 other house, namely, Jane Miles'.

26 ~~And further this witness saith~~
27 ~~not.~~ X Examined

28 Does not one Dad Miles live at the house
29 with the said Jane Miles, and have not the
30 said Jane & Dad been recently convicted
31 in the County Court of Lee County for keep-
32 ing a house of ill fame.

(53)

1 The foregoing question is excepted to
2 because the records of the court is
3 the best evidence of the fact of conviction
4 if such was the fact.

5 A. M. Lewis,

6 Atty. for Deft.

ans

7 She does. They have been recently
8 convicted for keeping a house of ill fame.

9 And further this witness saith
10 not —

Witness
claims 2
Days at 50
7/100

11 W. P. Sprinkle

12 Alfred Williams another witness of
13 lawful age being duly sworn deposes
14 & says —

15 Are you acquainted with France Miles
16 and Ann Boston, and if so how long how
17 you know them?

ans —

18 I am acquainted with both of them &
19 have known France ever since I
20 knew anything & have known Ann
21 about 5 years.

22 Please state whether or not in the last
23 two or three years, you have seen the said
24 Miles about the house of the said Ann and
25 if so how frequently.

ans

26 I have seen him there 3 or 4 times
27 in the last year. Maybe more.
28 What time, Day or night.

29 Day time.

30 What was the last time you saw him
31 there.

ans

Yesterday —

1 What was doing.

Ans 2 Nothing as I saw, but standing on
3 the porch.

4 I am requested by the Defendant to
5 ask you if you don't expect to see him
6 there this evening? Do you.

~~Ans~~ 7 The above question is excepted
8 to as impertinent.

9 A. M. Gaines,

10 Atty. for Deft

11 No, I don't.

12 What was the said Ann doing on yester
13 day, when you saw the said France there?

Ans 14 I don't know what she was doing.
15 I saw her outside of the house, stand
16 ing there.

17 Was not France and Ann & Duff
18 all in a racket there yesterday

Ans 19 I don't know. There was some
20 rock thrown, but I don't know who
21 threw them.

22 Did you ever carry any provisions or any
23 thing else from France to Ann, and if so
24 what?

Ans 25 I have carried some sugar a time
26 or two, very nearly a year ago.

27 I took some coffee once.

28 X Examined-

1 Ques 29 Do you know whether not Ann
30 paid France for said sugar?

31 No Sir.
32

2 Ques Does not Ann live in Frances
3 property, and is she not a rel-
4 ative of his?

Ans. 5 She does live in his property & I have
6 understood she is a relative of
7 him.

Witness claims
1 Day 50²/₈ And further this deponent saith not.
Alfred ^{his} Williams
mark

9
10 J.V. & Richmond another witness of lawful
11 age being duly sworn deposes & says:
12 Are you acquainted with the house and
13 lot owned by Francis Miles in the Town of
14 Louisville, if so please state what would
15 be the fairly rental value thereof per year

Ans. 16 I am acquainted with said house &
17 lot. I would consider it would rent
18 for about \$75⁰⁰ per year.

19 Are you acquainted with the tract of land
20 known as the Sullivan tract owned by said
21 Miles if so what would be its fair rental value
22 per year.

Ans. 23 I am acquainted with said land & think
24 about ^{from \$60⁰⁰ to} \$75⁰⁰ per year would be its fair
25 rental value -

26 Are you acquainted with the Joe Gorrell
27 house and lot owned by said Miles and in
28 which Ann Dorton lives, if so what would be
29 its fair rental value, per year

Ans. 30 I know the house & lot & think \$2⁰⁰ per
31 month would be a fair rental value.

32 Are you acquainted with tract of land

1 owned by said Miles at and near the corner
2 of the road North of Loran on which James
3 Miles and Charles Hamblet colored live if
4 so what would be the fair rental value of that
5 tract, admitting it to contain 23 acres.

Ans. 6 I know the property & think \$70⁰⁰ per year
7 would be a fair rental value for same.
8 Please state whether or not in the last two
9 or three years Frances Miles ran an account
10 in your Store in Jonsville, and if so did Ann
11 Dorton get goods there and have them charged
12 to him, and did he settle for the same.

Ans. 13 I don't think she did.

14 Is it not a matter of general reputation
15 in this neighborhood that the said Miles
16 and said Ann Dorton have been living
17 together in adultery for the last two
18 or three years?

Ans. 19 Yes, I have heard it said.

20 X Examination.

1 Ans. 21 Mr. Richmond you say that Mr
22 Miles town property would rent
23 for \$75 per year, state if you
24 know of any property in this
25 town renting for \$75 per year.

Ans. 26 Yes sir, the house & lot where Mr
27 Muney lives near the saw Mill.
28 And further this deponent saith not.

29 S. P. L. Richmond.

Dimah miles 4⁰⁰

2088.12

Depos -

France miles

Received from Notary
Public before whom taken
& filed this 27th Feb'y 1894
A.B. Murney

Notary fee - 18 1/2 hrs \$13 87
(D.C. Sewell)

Witnesses:
Cost for taking: Witnesses

D.C. Murney	1 Day	50
Martha Miles	1 "	50
Deed Williams	2 "	100
Mollie a Parson	2 "	100
Ben Miles	1 "	50
Henry Pendleton	3 "	150
J. P. Graham	2 "	100
W.P. Sprinkle	2 "	100
Alfred Williams	1 "	50

Witness Total \$7.50

I hereby certify that I have
been engaged 18 1/2 hours
in taking this depositions

90 to 00 D.C. Sewell
M. P.

TO

DATE

TIME

WHILE YOU WERE OUT

M

OF

PHONE

AREA CODE

NUMBER

EXTENSION

TELEPHONED

PLEASE CALL

CALLED TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

URGENT

RETURNED YOUR CALL

MESSAGE

*Return to Chancery Records
Dunstons, little critical drawings
1896-1900, labeled M -*

*Dinah Stanley vs
France Stanley*

OPERATOR



universal D1-1725

The deposition of Dulaney Haynes
& C. C. Beall

taken at the office of C. T. Duncan
in the town of Jonesville Va on the
9th day of Feby 1894 pursuant to
agreement to be read as evidence
in behalf of the Defendant in a
certain suit in Chancery now
pending the Circuit Court of Lee
County Va in which Dinah Miles
by &c is plaintiff & France Miles
is Defendant.

Present A. M. Goins atty for Defendant
& Duncan & Hyatt atty. for Plaintiff.

Dulaney Haynes a witness of lawful
age being duly sworn deposes & says:

1 Ques What is your age, Residence and
Occupation?

I am 65 years old & live about 1 mile
east of Jonesville. I am a farmer.

2 Ques Are you acquainted with the lands
and premises owned by France Miles?
if so what is a fair cash valuation
of the same?

Ans. I am very well acquainted with them.
I have lived on the Tract known as
the Sullivan Tract for the last 11 years.
I regard the said Sullivan Tract to be worth
about \$6⁰⁰ per acre, the house & lot in
Jonesville worth about \$1150⁰⁰ or \$1200⁰⁰, the

3 Ques. Joe Garrett's price worth about \$200⁰⁰,
the Bridenore track worth about \$3⁰⁰ per acre.
State Mr. Haynes, if you know, how
much rent corn and wheat France
Miles has received off of his lands
per year and what he has done with the
same for the ^{last} three years.

Ans. Last year, he got 78 or 79 bushels of
corn, 25 bushels of wheat & about 68
dozen of oats, year before last he got
something like a hundred bushels of
corn, 10 bushels of wheat & 47 dozen
of oats. Three years ago I don't exactly
remember what he got, but it was
about as much as the last two
years. It was loaded into the
wagon & went out of my sight
in the direction of Mr Miles'
house. I can't say where it went
but I suppose it went to his house.

4 Ques State if you know how much
wood, ~~the~~ rail-timber, saw-logs
&c. has been cut and removed
from the track of land belonging
to France Miles, known as the Dub-
livan tract, since said France
owned the same.

Ans. I don't remember how much wood has
been cut, but I have cut about 70 cords
of wood, my son has cut about 11 cords &
Joe Williams this boy's cut some for Dr.
Miles, I don't know how much rail timber

has been removed, but a right snatch.
No saw stocks have been taken off as
I know of.

5- Ques.

State if you know how many
good rail trees or saw lumber
trees there are on said tract
of land, also what kind of
walnut timber there are on
said land if any?

Ans

I couldn't tell how many rail trees
there are, but about half the timber
I suppose, and there are some few
lumber trees. There is some small
walnut trees - some 4 or 5 of the
largest would measure about 16 inches.
There is a good many walnut trees, but
they are small.

X Examined

How many acres of timbered land is there
on said tract of land.

Ans

About 12 acres -

How many acres of cleared land on
said farm.

Ans.

I don't know.

Was not the wood you speak of cut from
a piece of land you cleared?

ans.

No Sir.

What would be a fair rental value of
said tract of land by the year.

Ans-

About \$40⁰⁰ or 45 -.

What was corn & wheat worth by the
bushel for last year & what was oats

Ans- worth by the dozen
Corn asked at 35¢ per bushels wheat
from 50 to 60 cents & oats about 16 $\frac{2}{3}$ per
dozen.

Witness claim
1 Day 50¢ And further this witness saith
not.

Dulany Haynes

C. C. Bell, another witness of lawful
age, being first duly sworn,
deposes and says:-

1 Ques. State your age, residence and
occupation and whether or not
you are acquainted with France
Miles, and Dinah Miles

Ans. I am 63 years old, live in the sub-
urbs of Jonesville & farm some & doctor
horses. I have known France nearly
all his live & have known Dinah since the war.

2 Ques If you have had a conversation with
Dinah Miles in the last 12 mos.,
state what she said ~~to~~ you
about France Miles providing for
his family, if she said any thing
on that subject.

Ans- I went down there about the election time
in November & we got to talking about
whether she was going to attend the
Trial of France before the justice. She
said she ~~would~~ not go if she could
avoid it, but if she had to go she
~~would~~ would tell all she knew
about it. I said to her that I thought

1 She & France always got along all right.
2 She said France used to be as good a
3 man as any one to provide for his
4 family. About this time Mollie Parsons
5 come in & said Mamma will go & she
6 will tell all about it.

7 X Examined

8 You say you have known Sarah Miles for
9 ever since the war. What kind of woman is
10 she in her family. Kind pleasant and agree-
11 able or otherwise.

ans 12 yes, she is a good woman so far
13 as I know anything about her.

14 Did you not go to see her on the occasion
15 of which you speak at the request of France
16 and to try to get her not to appear against him
17 before the justice?

ans 18 yes, sir.

19 And further this witness saith not
20 C. C. Bell

21 Virginia Lee County, Texas.

22 J. D. S. Sewell notary public for the
23 State aforesaid & County of Lee, do certify
24 that the foregoing depositions of Dulaney
25 Haynes & C. C. Bell were duly taken,
26 sworn to & subscribed before me at
27 the time, place & for the purpose
28 mentioned in the caption. Given
29 under my hand this 9th day of
30 Feby 1894.

31 J. D. S. Sewell N.P.
32

France Miles

ads } Depos

Dinah Milesby & Co

Received from Notary
Public before whom taken
& filed This 27th July
1894 A.B. Munsey

Cost. Witness

Douglas Hanes 50¢

Notary fee 2 hrs at

75 -- 1.50

D.C. Swell
R P

KNOW ALL MEN BY THESE PRESENTS, That we

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Four*
Thousand dollars, to the payment whereof, well and truly
to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our
and each of our heirs, executors and administrators, jointly and severally, firmly by these
presents, hereby waiving the benefit of our homestead exemptions as to this obligation,
and any claim, right, or privilege to discharge any liability arising under this bond, or by
virtue of said office or trust, in any currency, funds, counter claims or offsets other than
legal-tender currency of United States. Sealed with our seals, and dated *9th* day
of *November*, one thousand eight hundred and *Ninety three*

The Condition of The Above Obligation is Such, That whereas the above bound
Dinah Miles by H. M. Miles
on *her* bill in Chancery against *France Miles*

addressed to the Judge of the circuit court of the county of Lee, has obtained from the said
Judge an injunction to injoin and restrain *the defendant France*
Miles from selling or in any way encum
bering the property in the bill specified

until the future order of the said court; and whereas it is provided, by the order of the said
Judge awarding the said injunction, that the plaintiff shall not have the benefit thereof until

She, or some one for *her*, shall enter into a
bond, with good security, in the clerk's of of the said court, payable to the Commonwealth
of Virginia, in the penalty of *Four Thousand*

Dollars, and conditioned to pay all such costs as may be awarded against the said plaintiff,
and all such damages as shall be incurred in case the said injunction be dissolved. Now,
therefore, if the said *Dinah Miles* shall pay all such costs as
may be awarded against *her*, and all such damages as shall be incurred in
case the said injunction be dissolved, then this obligation to be void, or else to remain in
full force and virtue.

Executed in the presence of

Dinah Miles
H. M. Miles

(SEAL.)
(SEAL.)

Henry J. Morgan
D. C. Sewell

(SEAL.)
(SEAL.)

In the Clerk's Office of the Circuit Court of the County of Lee

This day personally appeared before me *A. B. Munsey*, clerk of the circuit court of
the county of Lee *at my office at the court house*
and made oath that *Their* estate, after the payment of all *Their* just debts, and
those for which *he* *they* are bound as security for others and expect to pay, *in*
worth the sum of *four thousand* dollars,
over and above exemptions allowed by law.

Given under my hand this *9th* day of *Nov* 18*93*.

Teste: *A. B. Munsey* Clerk.

Drish Miles by ~~re~~

vs $\frac{1}{2}$ Bond.

France Miles

Filed Nov the 9th 1893

ARB Munsell
Clerk

$$\begin{array}{r} 60 \\ 20 \\ \hline 240 \\ 120 \\ \hline 160 \end{array} \quad \begin{array}{r} 448 \\ 448 \\ \hline 896 \end{array} \quad \begin{array}{r} 9 \\ 9 \\ \hline 18 \end{array}$$

$$\begin{array}{r} 97 \\ 48 \\ \hline 46 \end{array}$$

To France Miles:

You will please take notice that on Friday, the 2nd day of February, 1894, I will proceed to take the depositions of Mollie Parsons, Ben Miles, Martha Miles, Alonzó Couk, Charles Denny, and others, whcih depositions when taken are to be used as evidence in my behalf in a certain chancery suit now pending in the Circuit Court of Lee County, Va., in which I am plaintiff, and you are defendant. This 29th day of January, 1894. These depositions will be taken at the office of C. T. Duncan.

Dinah Miles, who sues by her son &c.

By Counsel,

Dinah Miles who sues &c.

vs. Notice.

France Miles.

Duncan & Hvatt, p.d.

Executed Jan. 29. 1894
by delivering a copy
of the within notice to
France Miles

H. E. Flanagan.

J. F. C.

To France Miles:

You will please take notice that on Thursday the 1st day of February 1894, at the Office of C.T. Duncan in Jonesville, Va., I will proceed to take the depositions of James Miles, Martha Miles Mollie ^{Parsons} ~~Miles~~, Alonzo Couk, Charles Denny and others, which depositions, when taken, are to be read as evidence in my behalf in a certain Chancery suit now pending in the Circuit Court of Lee County, in which ^{suit} I am plaintiff and you ^{are} defendant. And if from any cause ^{said} ~~the~~ depositions are not completed on that day the taking thereof will be continued from day to day and from time to time until they are completed. This the 25th day of January 1894

Dinah Miles,

By Counsel.

To France Miles:

You will please take notice that on Thursday the 1st day of February 1894, at the Office of C.T. Duncan in Jonesville, Va., I will proceed to take the depositions of James Miles, Martha Miles Mollie Parsons, Alonzo Couk, Charles Denny and others, which depositions, when taken, are to be read as evidence in my behalf in a certain Chancery suit now pending in the Circuit Court of Lee County, in which suit I am plaintiff and you are defendant. And if from any cause said depositions are not completed on that day the taking thereof will be continued from day to day and from ~~xx~~ time to time until they are completed. This 25th day of January 1894.

Dinah Miles,

By Counsel.

Dinalo Miles
vs { Notice
France Miles

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*James Miles, Dnd Williams, Henry X
Pendleton, David X Miles, Ben Miles & Lint Stewart
W. P. Sprinkle*
at the office of C. P. Duncan in Jonesville on Friday the 2nd
to appear before the Judge of our Circuit Court of Lee County, at the court-house thereof on the
day of *February* 1894, to testify and the truth to say in behalf of *the Dinah
Miles*

in a certain matter of controversy in our said Court,
before the said Judge depending and undetermined between

Dinah Miles by re Plaintiff
and

Francis Miles Defendant :

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *30th* day of *January* 1894, and in the 11 *8th* year of
the Commonwealth.

A B Munsey Clerk.

Dinah Miles by +c

vs

SUBPOENA
FOR
WITNESS.

France Miles

Circuit Court, the 2nd day of

February 1894.

Executed by summons all
of the within witnesses

C. C. Flannery.

S. L. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

Alfred Williams S.V. F. Richmond

I do Sewell N. P. for Lee office of *C. P. Duncan*
to appear before the Judge of our Circuit Court of Lee County, at the court-house thereof on the *9th*
~~and the town of Jonesville Va~~
day of *February* 1894, to testify and the truth to say in behalf of the *Dinah*
Miles

in a certain matter of controversy in our said Court,
before the said Judge depending and undetermined between

Dinah Miles Plaintiff
and

Francis Miles Defendant :

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *9th* day of *February* 1894, and in the 11 *8th* year of
the Commonwealth.

A. B. Munsey Clerk.

Dinah Miles

VS

SUBPÆNA
FOR
WITNESS.

France Miles

Circuit Court, the 9th day of

Feb 1894

Executed by Sum:
the within witnesses
Feb 9th 1894
W.P. Sprinkle
C. L. C.

18
20
3.60
1.00
4.60

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU TO SUMMON

*Mollie Parsons, W. B. Andis, M. H. Jamison,
J. K. P. Graham, Lou Louk, Charles Denny, D. C. Pleanor,
Thomas Pleanor, Effert Garrett, Ambrose Eagle, Martha Miles*
at the office of *C. T. Duncan* in *Jonesville* on ~~the~~ *Friday* the *2nd*
to appear before the Judge of our Circuit Court of Lee County, at the court-house thereof on the
day of *February* 1894, to testify and the truth to say in behalf of ~~the~~ *Diannah*
Miles

_____ in a certain matter of controversy in our said Court,
before the said Judge depending and undetermined between _____

Denah Miles by &c

Plaintiff

and

France Miles

Defendant :

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *30th* day of *January* 1894, and in the *118th* year of
the Commonwealth.

A. B. Munsey

Clerk.

Dinah Miles by or

VS

SUBPENA
FOR
WITNESS.

France Miles

Circuit Court, the 2nd day of

February 1894.

Exempted by summons
of the within witness
except Ambros England
Lon. bank

C. C. Flanary. S. K. C.

Sargens & Miles

Hamblin, et al

Miscellaneous Papers

f